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**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/181,126    10/28/98    ROHS

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PM82/1031

EXAMINER

DUNWOODY, A

ART UNIT

PAPER NUMBER

3629

DATE MAILED:

10/31/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/181,126

Applicant(s)

ROHS ET AL.

Examiner

Aaron M Dunwoody

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 is/are allowed.
- 6) ☒ Claim(s) 1,4-10 and 17 is/are rejected.
- 7) ☒ Claim(s) 2,3,12-16 and 18-24 is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☒ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

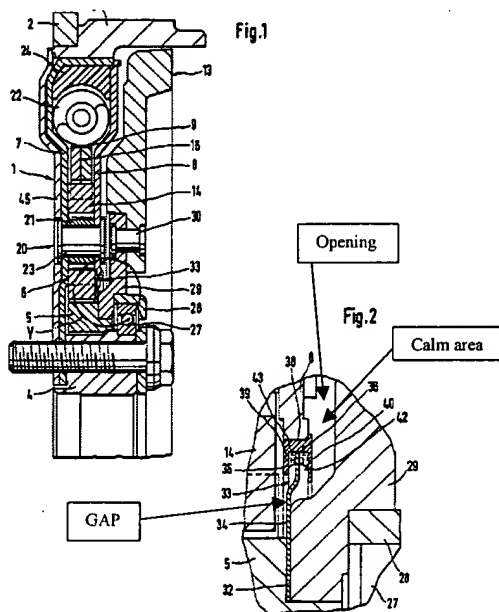
### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 1, 4-10 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent 5911628, Sudau.

In regards to claim 1, in figures 1 and 2 below, Sudau discloses



a torsional vibration damper

comprising two modules (1,13) that rotate in relation to each other, and a spring chamber (22), the first module (1) having a first guide surface (36) and sealing the spring chamber radially outward, whereby the first guide surface is at a distance from the second module (13) across a gap and is essentially radial, and further comprising an essentially radial second guide surface (34) which covers the gap on the spring chamber side.

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In regards to claim 4, in figures 1 and 2 above, Sudau discloses the second guide surface being designed as a guide disk.

In regards to claim 5, in figures 1 and 2 above, Sudau discloses the guide being in the shape of a washer.

In regards to claim 6, in figures 1 and 2 above, Sudau discloses the guide disk being fixed to the first guide surface.

In regards to claim 7, in figures 1 and 2 above, Sudau discloses between the first guide surface and second guide surface there is provided at least one opening (42) that faces the spring chamber.

In regards to claim 8, in figures 1 and 2 above, Sudau discloses the opening being situated so that a particle moving radially can pass through.

In regards to claim 9, in figures 1 and 2 above, Sudau discloses between the first and second guide surfaces close to the gap there is provided a calm area that is situated between the first guide surface and the second module.

In regards to claim 10, in figures 1 and 2 above, Sudau discloses the calm area having an opening extending radially outward that leads to the spring chamber.

In regards to claim 17, in figures 1 and 2 above, Sudau discloses a grease transporting system activated by centrifugal force.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 5911628, Sudau. Sudau discloses the claimed invention except for a sealing ring (43) that covers the gap between the first guide surface and the second module at least when the torsional vibration damper is at rest. It would have been an obvious matter of design choice to modify the sealing ring to cover the gap between the first guide surface and the second module at least when the torsional vibration damper is at rest, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

***Allowable Subject Matter***

Claim 25 is allowed.

Claims 2, 3, 12-16, 18-24 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter: In regards to claim 25, the prior art of record does not disclose the first guide surface being a baffle soldered to the first module.

***Response to Arguments***

Applicant's arguments filed 10/2/2000 have been fully considered but they are not persuasive. The applicant argues:

Sudau describes a torsional vibration damper which includes a planetary gear train, whereby the seal is disposed in vicinity of the planetary gear mechanism. As a consequence of the centrifugal force, grease is prevented from escaping the spring chamber and flow through the planetary gear mechanism toward the seal. Thus, Sudau is not concerned with the sealing of a spring chamber but with sealing of the planetary gear mechanism.

However, Sudau's torsional vibration damper operates in the same manner as the applicant's device. Sudau recites:

According to the invention, the annular channel accommodates the first sealing part, especially in the region radially adjacent to the second sealing part, so that the viscous medium (referred to simply as "grease" hereinafter, although oil could also be used) that moves from the grease chamber into the extension area of the first sealing part-for example, in the form of grease sprays-cannot leave the grease chamber. This is because the grease, regardless of whether it is sprayed directly into the annular channel or enters the annular channel as the result of centrifugal force after striking the first sealing part, encounters the highly-viscous medium in the annular channel. Since the grease is unable to displace the highly-viscous medium from the annular channel, it is prevented from escaping from the grease chamber. Grease that enters the annular channel thus has no choice other than to mix with the highly-viscous medium or to find its way back to the grease chamber.

As a result, the present invention provides a seal for the grease chamber that, on the one hand, is free from friction and thus from wear, but, on the other hand, permits complete sealing of the grease chamber. At the same time, depending on the viscosity of the medium located in the annular channel, this seal influences the dynamic behavior of the flywheel device.  
(column 2, lines 2-23)

Therefore, Sudau does teach and suggest the features of the applicant's device.

**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is (703) 306-3436. The examiner can normally be reached on Monday - Friday between 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

.amd  
October 27, 2000



Lynne H. Browne  
Supervisory Patent Examiner  
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